

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	X
NIKE, INC.,	:
	:
	:
Plaintiff,	:
	:
-against-	:
	22-CV-0983 (VEC)
	:
STOCKX LLC,	:
	<u>ORDER</u>
	:
Defendant.	:
	X

VALERIE CAPRONI, United States District Judge:

WHEREAS the parties in this case filed separate Rule 56.1 Statements in connection the two cross-motions for summary judgment, *see* Dkts. 256, 260, and did not consolidate the statements into a single document at the time the motions were fully briefed, *see* Dkts. 278, 280;

WHEREAS Rule 4(G)(ii)(a) of the Undersigned's Individual Practices in Civil Cases provides, "The 56.1 Statement must be organized into numbered paragraphs, and each numbered paragraph must contain only one factual assertion. Each factual assertion must be supported by a citation to the portion(s) of the evidentiary record relied upon to support the factual assertion. As required by Local Rule 56.1(e), the moving party shall provide all opposing or cross-moving parties with a Microsoft Word version of the 56.1 Statement so that the opposing or cross-moving party may incorporate their responses into a single document, as discussed below."; and

WHEREAS Rule 4(G)(ii)(b) of the Undersigned's Individual Practices in Civil Cases provides, "Opposing or cross-moving parties must reproduce each entry in the moving party's 56.1 Statement and set out the opposing party's response directly beneath each allegation in a 56.1 Counterstatement. The response must state specifically what is admitted and what is disputed, as well as the basis for any dispute and citations to specific portions of the evidentiary

record that supports the existence of a genuinely disputed fact. The opposing or cross-moving party may make additional factual allegations by adding paragraphs numbered consecutively to those of the moving party (i.e., do not begin re-numbering at 1). If the opposing or cross-moving party makes additional factual allegations, that party must provide the moving party with a Microsoft Word version of its 56.1 Counterstatement. The moving party must file a responsive 56.1 Statement using the same method described above (i.e., by reproducing the entire set of 56.1 Statements and Responses, the opposing or cross-moving party's additional allegations, and the moving party's responses thereto). In short: **at the time the motion is fully briefed, the Court should have one, final consolidated 56.1 Statement.**" (emphasis added).

IT IS HEREBY ORDERED that, not later than **Thursday, November 14, 2024**, the parties must submit a final, consolidated Rule 56.1 Statement containing all the factual assertions and responses from the previously submitted Rule 56.1 Statements and Counterstatements. Consistent with the Court's October 7, 2024, Order (Dkt. 287), the assertions contained in Paragraphs 391–93 of Nike's Statement of Additional Material Facts (Dkt. 280) must be omitted.

IT IS FURTHER ORDERED that, not later than **Thursday, November 14, 2024**, the parties must file revised memoranda of law with citations to the final, consolidated Rule 56.1 Statement. The parties also must file redlined versions of their memoranda of law to reflect that no other changes have been made to their timely filed memoranda.

IT IS FURTHER ORDERED that the parties' deadline to file public versions of the briefing and exhibits for both motions, applying redactions to the extent permitted by the Court's October 29, 2024, Order, is ADJOURNED to **Thursday, November 14, 2024**.

IT IS FURTHER ORDERED that the parties must submit a courtesy copy of the consolidated Rule 56.1 Statement and revised memoranda of law to the Undersigned's Chambers within two business days of filing.

**SO ORDERED.**

**Date: October 31, 2024**  
**New York, New York**

*Valerie Caproni*  
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**VALERIE CAPRONI**  
**United States District Judge**